

INDEX

Abbreviations, Acronyms, and Short Forms Used: AIDS, acquired immunodeficiency syndrome; ASIL, American Society of International Law; CEDAW, Convention on the Elimination of All Forms of Discrimination Against Women; Charter, United Nations Charter; CIDIP, Inter-American Specialized Conferences on Private International Law; EBRD, European Bank for Reconstruction and Development; GATT, General Agreement on Tariffs and Trade; ICC, International Criminal Court; ICJ, International Court of Justice; ICTY, International Criminal Tribunal for former Yugoslavia; IHL, International Humanitarian Law; NATO, North Atlantic Treaty Organisation; NGO, nongovernmental organization; NAFTA, North American Free Trade Agreement; OECD, Organisation for Economic Cooperation and Development; POW, prisoner of war; UN, United Nations; WTO, World Trade Organization

- Abbott, Frederick M., *Rems.*, 121-34
- ABM Treaty. *See* Anti-Ballistic Missile Treaty
- Academia, approaches to post-Cold War problems, 6
- Access, Interconnection Directive, European Union Electronic Communications, 152
- Access to medicines, Trade-Related Aspects of Intellectual Property Rights, Agreement on, 126
- Accounts in Switzerland, Claims Resolution Tribunal for, 236
- Acquired immunodeficiency syndrome:
 - antiretroviral therapy, highly active, 326-27
 - drug, Crixivan, 118
 - International Acquired Immunodeficiency Syndrome Vaccine Initiative, 116-20
 - vaccine, affordability, 116
 - vaccine development partnerships, 119
- Acquired Immunodeficiency Syndrome, Human Immunodeficiency Virus, Declaration of Commitment to, 324
- Actors, as individuals, 76-80
- Acts of aggression. *See* Aggression
- (The) Adequacy of International Law for Arms Control, Post-September 11, 273-78
- Administrative support, with international law curriculum, 55
- Adoption law, influence of international conventions on, 193-95
- Advisory activity, assistance through, 391-92
- Advisory group for judicial outreach, for increasing judges' knowledge about international law, 348
- Advisory role, of International Criminal Court, 184
- Aerospatiale* case, 48
- Afghanistan, 24-25
 - fighters in, adherence to legal restraints, 31-32
 - humanitarian law on conflict in, 23-41
 - intervention against, Operation Enduring Freedom, 36
 - Provisional Arrangements in, Pending Re-establishment of Permanent Government Institutions, Agreement on, 29
- Africa
 - acquired immunodeficiency syndrome in, 320
 - intervention regime, evolution of, 136-43
 - peacemaking practices, 135-45
 - pro-democratic intervention in, 143-45
- African Americans, damages from U.S. government, companies profiting from slavery, 236
- African Court of Human and Peoples' Rights, 228, 383
- African Interventionist States and International Law*, 137
- African Union, 142
 - Constitutive Act of, 137, 142
- Aggression
 - characterization of, 181-92
 - criminal justice response, political response, compared, 181-92
 - definition of, 181-92
 - General Assembly's consensus definition, 24
 - UN General Assembly definition of, 191
- Agreement on Application of Sanitary and Phytosanitary Measures, 283
- Agreement on Provisional Arrangements in Afghanistan pending Re-establishment of Permanent Government Institutions, 29
- Agreement on Technical Barriers to Trade, 280
- Agreement on Trade-Related Aspects of Intellectual Property Rights, 125, 126, 132, 149, 280, 328; impact on access to medicines, other public health interests, 126

- AIDS. *See* Acquired immunodeficiency syndrome
- AIDS in National and International Law, 320-31
- Air, International Transportation by, Convention for Unification of Certain Rules Relating to, 337
- Aircraft
- Convention for Suppression of Unlawful Seizure of, 131
 - Convention on Offences and Certain Other Acts Committed on Board, 131
- Air forces, attack on, by armed forces of another state, 183
- Akehurst, *Modern Introduction to International Law*, 14
- Albright, Madeleine K., 49
- Alford, Roger P., *Rems.*, 146
- Algeria, democratic election, abortion of, 7
- Aliens, minimum standard of treatment of, 10
- Alien Tort Claims Act, 146, 156
- Allott, Philip, *Rems.*, 401-04; 270, 410
- Al Qaeda, 30, 258
- See also* Terrorism; aggression by, 190-91; detainees, 51; as fighting force, 254; network, 4, 39
- Alumni leadership, with international law curriculum, 55
- Alvarez, José E., *Measuring Compliance*, 209-13; 304
- Alvarez-Machain v. United States* (2001), 147
- American Convention on Human Rights, 43
- American Unilateralism, 85-94
- Amnesty International, 68
- Andean Court of Justice, 228
- Anderson, Sarah, 224
- Andresen, Jensine, *Rems.*, 116
- Angola, fighters in, adherence to legal restraints, 31-32
- Anti-Ballistic Missile Systems: Treaty Between United States of America and Union of Soviet Socialist Republic on Limitation of, 94, 273
- Anti-racism conference, World Conference Against Racism, 65-74
- Antiretroviral therapy, highly active, 326
- Anti-Semitism, 66
- Apartheid, Israel, 66
- Appeals Chamber of International Criminal Tribunal for Former Yugoslavia, 43
- Acquired immunodeficiency syndrome, 320-31
- availability of drugs, 320
 - drugs, availability issues, 320
- Arab Convention on Suppression of Terrorism, 73
- Arbitral Awards, Foreign, Convention on Recognition and Enforcement of, 226
- Aristotle, 243, 299; *Politics*, 81
- Armed forces
- aggression by, 181-92
 - attack on, by armed forces of another state, 183
- Armenians, suit for insurance claims, 236
- Arms control, adequacy of international law for, 273-77
- Arms trafficking, globalization and, 3-8
- Artistic Institutions, Protection of, Treaty on, 27
- Asia, acquired immunodeficiency syndrome in, 320
- Assembly of States Parties, to International Criminal Court, 185
- ATCA. *See* Alien Tort Claims Act
- Athenians, becoming freeman, 83
- Atkins v. Virginia* (2002), 49, 52, 53
- AT&T, regulation of, 152
- Australia v. France* (1974), 374
- Autocephalous Greek-Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts Inc.* (1989), 235
- Azinian v. United Mexican States* Final Award (Nov. 1, 1999), 15
- Bacteriological weapons, rules of conduct, 28-29
- Bahktin, Mikhail, 84
- Balance of power, human rights and, 123-24
- Ball, Edward, 121
- Bangui Agreement in Central African Republic, Mission for Implementation of, 137
- Bankovic and Others v. Belgium and 16 other Contracting States*, *Eur. Ct.* (2001), 95, 96, 100
- Barsh, Russel Lawrence, *A Social Theory of Fair Trade*, with Special Reference to Indigenous Peoples, 279
- Bartlett, John, 273
- Basel Convention on Transboundary Movements of Hazardous Wastes, 87
- Bayefsky, Anne, *The UN World Conference Against Racism: A Racist Anti-Racism Conference*, 65-74
- Beaumont, Paul, *Update on Private International Law in the European Union—2001*, 109-13
- Bederman, David J., 60
- Belgrade, bombing campaign on civilians, 95
- Belligerents, as nonstate aggressors, 190

- Bellum hostile*, medieval Europe, 36
Bellum romanum, 36
 Belman, Murray J., *Rems.*, 12
 Berlin, Isaiah, 153
 Berlin Wall, fall of, 1
 Berne Convention, 121–28, 149
 Bernhardt, Rudolf, 43
 Bettcher, Douglas, 114
 Bierly, *Law of Nations*, 14
 Bilateral investment treaties, 9, 226
 negotiation, with NAFTA, 12
 Panama-U.S., 18
 Bilder, Richard B., *Rems.*, 371–73; 222
 Bill of rights, World Trade Organization, 132
 Bills of Lading, International Convention for Unification of Certain Rules of Law Relating to, 337
 Biniaz, Susan, *Rems.*, 359–63
 bin Laden, Osama, 39, 190–91, 257
See also Al Qaeda; notions of just warfare, 39; nuclear weapons, used “as deterrent,” 40
 Biodiversity Convention, 87
 Biological Diversity, Convention on, 165
 Biotechnology
 freedom of scientific inquiry, 115–20
 human rights and, 114–20
 reassessment of legal doctrine, 239
 Biotechnology, Human Rights, and Intellectual Property, 114–120
 Bioweapons threat, Bush administration, opposition to biological weapons protocol, 276
 BITs. *See* Bilateral investment treaties
 Blair, D. Marianne, The Influence of International Conventions on Municipal Adoption Law: The Disclosure Debate, 193–95
 Blake, Jonathan D., *Rems.*, 148–52
 Blinding Laser Weapons Protocol, 1995, 27
 Blockade of port, coast, 183
 Bombers, suicide, 73
 Bombing for Peace: Collateral Damage and Human Rights, 95–108
 Boncour, Paul, aggression, acts of, 182
 Booby-traps: prohibitions, restrictions on use of, 27; rules regulating use of, 28–29
 Borchard, Edwin M., 222
 Border dispute, cross-border incursion involving, 184
 Border flow, states’ ability to control, 1–8
 Borderless world, globalization and, 1–8
 Borgen, Christopher J., Presidential Panel: The Impact of the United States on International Law, 159; 54
 Bosnia
 fighters in, adherence to legal restraints, 31–32
 Refugees, Real Property Claims, Commission for, 236
 Boundaries, national, radio waves and, 149
 Bozheyeva, Gulbarshyn, 276
 Bradlow, Daniel, 1
Breard v. Greene (1998), 49, 162, 314, 316
Breard v. Pruett (1998), 162, 349
Breavington v. Godleman (1988), 344
 Bribery of Foreign Public Officials in International Business Transactions, Convention on Combating, Organization for Economic Cooperation and Development, 7, 336
 Brierly, James L., 14
 British Colonial Office, in eighteenth century, paternalist, 137
 Broad definition of aggression, use of, 181–85
 Brower, Charles H., II, *Rems.*, 19–22
 Brown, Catherine, *Rems.*, 312
 Brown, Chris, 75
 Brownlie, Ian, 14
 Brussels I Regulation, 109–12
 Brussels Convention, contract jurisdiction, 110
 Buergenthal, Thomas, 380
 Bundy, Rodman, rule of politics, 355
 Bush, George W., State of Union Address (Jan. 29, 2002), 53
 Bush administration, bioweapons threat, opposition to biological weapons protocol, 276
 Business enterprises, pledge to advance human rights, 131
 Canada
 bilateral investment treaty negotiation, 12
 Department of Foreign Affairs and International Trade, 232
 Softwood Lumber from, Provisional Anti-Dumping Measure on Imports of Certain, 279
 Carbon Fund, Prototype, World Bank, 364–65
 Caribbean, acquired immunodeficiency syndrome in, 320
 Caron, David D., *Rems.*, 176–80
 Carr, E.H., 268
 Carter, Barry E., State-Supported Terrorism and the U.S. Courts: Some Foreign Problems, 251–54
Case Concerning Military and Paramilitary Activities in and against Nicaragua Merits (1986), 23

- Case Concerning United States Diplomatic and Consular Staff in Tehran* (1980), 24
- Case studies, of fighters adherence to legal restraints, 31-32
- Cassese, Antonio, 37
- Cavanagh, John, 224
- CEELI. See Central Eastern European Law Initiative
- Cell phones, regulation of, 151
- Central African Republic, Bangui Agreement in, Mission for Implementation of, 137
- Central Eastern European Law Initiative, 348
- Central Europe, transition states in, human rights standards, 397-99
- Cerna, Christina, *Rems.*, 95-108
- Characterization of aggression, 181-92
- Charney, Jonathan I., 244, 369-80
- Charter for Nuremberg Tribunal, 183, 186, 187, 192
- Charter for Tokyo Tribunal, 183, 186, 187, 192
- Charter of Fundamental Rights of European Union, 383
- Charter of International Military Tribunal for European Axis, 181, 186, 187
- Charter of International Military Tribunal for Far East, 187; Article 5, 187
- Charter of United Nations, aggression, acts of, 181-92
- Charters of IMT's at Nuremberg and Tokyo, 192
- Chaves, Antonia Handler, 206-09
- Chechnya, fighters in, adherence to legal restraints, 31-32
- Chemical weapons
- rules of conduct, 28-29
 - used "as deterrent," by Osama bin Laden, 40
- Chemical Weapons, Convention for Prohibition of Development, Production, Stockpiling and Use of, 273
- Chesterman, Simon, 399-400
- Child, Rights of, Convention on, 87, 193, 222, 263, 284
- Child Labour, Worst Forms of, Convention Concerning Prohibition and Immediate Action for Elimination of, 286
- Children's Emergency Fund, International, United Nations, 116
- Chile, consolidation of democracy in, 268
- China
- Act for Permanent Normal Trade Relations, 129
 - international economic relations, quest for acceptance in, 128
 - People's Republic of, inclusion in world Trade Organization, 128
- Civil, Political Rights, International Covenant on, 26, 116, 212, 222, 320, 397
- Civilians, protection of, in armed conflict, 28-29
- Claims Resolution Tribunal for Dormant Accounts in Switzerland, 236
- Cleisthenes, reforms of, 83
- Climate Change, Framework Convention on, 358, 360, 364
- Cloning, banning of, 115
- CMI. See Comité Maritime International
- Coalition of Clergy v. Bush* (2002), 30
- Coard v. United States* (1999), 96
- Coast, blockade of, 183
- Cocurricular activities, with international law curriculum, 56
- Code of conduct
- internal armed conflicts, 25-26
 - non-international armed conflicts, 28-31
- Coe, Jack J., *Rems.*, 17
- Collateral damage, human rights and, 95-108
- Colombia, fighters in, adherence to legal restraints, 31-32
- Comfort women, Korean, charges against Japanese government, 236
- Comité Maritime International, 332
- Commemoration of Fiftieth Anniversary of End of Second World War, 72
- Commission for Real Property Claims of Displaced Persons and Refugees in Bosnia and Herzegovina, 236
- Commissions, international, proliferation of, 228-29
- Common but Differentiated Responsibility, 358-368
- Compliance, measurement of, 209
- Comprehensive Test Ban Treaty, United Nations, 273
- Compulsory licensing, intellectual property, 118
- Conflict prevention, nongovernmental organization role in, conflict resolution, and postconflict reconstruction, 27
- Constitutionalism, conceptions of, 394-96
- Constitutive Act of African Union, 137, 142
- Consular Relations, Vienna Convention on, 90
- Consular Rights and the Death Penalty After *LaGrand*, 309-19
- Contract jurisdiction, Brussels Convention on, 110

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 48, 222
- Convention Concerning Indigenous and Tribal Peoples in Independent Countries, 283
- Convention Concerning Prohibition and Immediate Action for Elimination of Worst Forms of Child Labour, 286
- Convention for Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 273
- Convention for Protection of Human Rights and Fundamental Freedoms, 397
- Convention for Suppression of Unlawful Seizure of Aircraft (hijacking), 131
- Convention for Unification of Certain Rules Relating to International Transportation by Air, 337
- Convention on Biological Diversity, 165, 282
- Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, Organization for Economic Cooperation and Development, 7, 336
- Convention on Elimination of All Forms of Discrimination Against Women, 212, 222
- Convention on International Trade in Endangered Species of Wild Fauna and Flora, 283
- Convention on Law of Sea, United Nations, 370
- Convention on Means of Prohibiting and Preventing Illicit Import, Export, and Transfer of Ownership of Cultural Property, 235
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, 131
- Convention on Prohibitions or Restrictions on Use of Certain Conventional Weapons Which May be Deemed Excessively Injurious or To Have Indiscriminate Effects, 27
- Convention on Recognition and Enforcement of Foreign Arbitral Awards, 226
- Convention on Rights of Child, 87, 193, 222, 263, 284
- Copernicanism, censure of Galileo, 115
- Copyright Treaty, World Intellectual Property Organization, 150
- Corfu Channel Case* (1994), 24
- Corporate codes of conduct, voluntary, 224
- Corporations, percentage of world economy, 224
- Council of Europe, Venice Commission of, 389, 390
- Council of Haida Nation v. British Columbia and Weyerhaeuser Co.* (2002), 287
- Council of International Institute of Humanitarian Law, 25
- Covenant on Civil, Political Rights, 116
- Covenant on Economic, Social and Cultural Rights, 116
- Conventional Weapons, Which May be Deemed Excessively Injurious or To Have Indiscriminate Effects, Convention on Prohibitions or Restrictions on Use of Certain, 27
- Coverage of international affairs, in-depth, dearth of, 93
- CRC. *See* Convention on Rights of Child
- Crime of aggression, jurisdiction over, 181-92
- Crimes against humanity, Israel, 66
- Crimes Against Peace and Security of Mankind, Draft Code, 187
- Criminal justice response to aggression, 181-92
- Crixivan, acquired immunodeficiency syndrome drug, 118
- Croll v. Croll* (2000), 197
- Crosby v. Nat'l Foreign Trade Council* (2000), 48
- Cross-border incursion: involving border dispute, 184; states' ability to control, 1-8
- Cruel, Inhuman or Degrading Treatment, Punishment, Convention Against, 48, 222
- Crusades against Islam, 36
- Cuba
- Guantanamo Bay, U.S. Naval Base, prisoners at, 29, 51
 - Inter-American Commission on Human Rights, suspension from participation in, 106
 - judgments against, 252
 - Report on Situation of Human Rights in, 107
- Culhane, John G., 324
- Cultural, Social, Economic Rights, International Covenant on, 116, 222, 285, 320, 398
- Cultural Property
- Convention on Means of Prohibiting and Preventing Illicit Import, Export, and Transfer of Ownership of, 235
 - Protection of, in Event of Armed Conflict, Hague Convention on, 27

- Curriculum, international law, 54-58. *See also* Education
- Customary international law, international law, distinguished, 10
- Cyprus v. Turkey* (2001), 98
- Dames & Moore v. Regan* (1981), 47, 253
- Damrosch, Lori Fisler, *Rems.*, 128
- Danilenko, Gennady M., 245
- Dar es Salaam, Tanzania, conspiracy to bomb American embassy in, 257
- Dark Side of Globalization: Grotius lecture, 1-8
- Dascalopoulou-Livada, Phani, The Crime of Aggression: Making Operative the Jurisdiction of the ICC—Tendencies in the PrepCom185-90
- Death penalty, after *LaGrand*, 309-19
- Debate on the Theme
- Internationalization of Legal Relations, 146-155
 - Legalization of International Relations, 291-308
- de Chazournes, Laurence Boisson, *Rems.*, 169
- Declaration of Commitment to Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, 324
- Declaration of war, in jihad, 39
- Declaration on Human Rights, 320
- Declaration on Trade-Related Aspects of Intellectual Property Rights Agreement and Public Health, 126
- Declaration Respecting Maritime Law, 34
- (The) Definition of Aggression and the ICC, 181-192
- Definition of aggression, adopted by United Nations, 191
- Degrading, Cruel, Inhuman Treatment, Convention Against, 48, 222
- Delgamuukw v. The Queen* (1997), 286
- Democracy through Law, European Commission for, 390
- Democratic election, in Algeria, abortion of, 7
- Democratic intervention, Africa, 143-45
- DeSoto, Hernando, 281
- Destruction, Chemical Weapons, Convention for, 273
- Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Convention for Prohibition of, 273
- Dickinson, Timothy, *Rems.*, 57; 59-64
- Di Leva, Charles E., *Rems.*, 363
- Dinstein, Yoram, *Rems.*, 23-41
- Diplomatic Immunity, Vienna Convention on, 159; Helms, Jesse, legislation potentially gutting, 159
- Discrimination, Racial, International Convention on Elimination of All Forms of, 222, 284
- Discrimination Against Women, Convention on Elimination of All Forms of, 212, 222
- Disease processes, molecular basis of, universal access to interventions based on, 119
- Displaced Persons, Real Property Claims, in Bosnia, Herzegovina, Commission for, 236
- Dispute settlement procedures, countermeasures, 170-71
- Division, national, experienced during Vietnam War, 6
- Division of Labor in Society*, 77
- Doctors without Borders/Medecins sans Frontieres, 126
- Doha Declaration, 126
- Dormant Accounts in Switzerland, Claims Resolution Tribunal for, 236
- Doswald-Beck, Louise, 38
- Draft Agreement on Free Trade Area of Americas, 9
- Drucker, Peter, 331
- Drug trade: globalization and, 3
- Doebbler, Curtis F., An American Legend: The Overlegalization of Human Rights, 381-88
- Durban Jewish Community Centre, 69
- Durkheim: Emile, *The Division of Labor in Society*, 77
- Eastern Europe, transition states in, human rights standards, 397-99
- Economic, Social, Cultural Rights, International Covenant on, 116, 222, 285, 320, 398
- Economic Community of West African States, 135, 137, 138, 144
- Economic Cooperation and Development, Organization for, 360
- Economic efficiency, regulation and, 150-51
- Economics, private law harmonization, 339
- Economies, worldwide, corporations, countries, percentages of, 224
- ECOWAS. *See* Economic Community of West African States; Treaty of Economic Community of West African States
- Education
- assistance through, 392-93
 - inadequacies of, U.S. students, 6
 - U.S. students, resources spent on, 6

- Educational, Scientific and Cultural Organization, United Nations, 116
- Egypt, on jurisdiction of International Criminal Court, 186, 187
- Electronic Communications, European Union, Access and Interconnection Directive, 152
- Ely, John Hart, 122
- Emerging technology, problems created by, 4
- Endangered Species of Wild Fauna, Flora, Convention on International Trade in, 283
- Enlightenment, morality and warfare during, 77
- Enrichment, unjust, trade and, 285-86
- Enumerative list, of acts of aggression, 183, 186
- Environment and Development, Rio Declaration on, 358
- Equitable, fair treatment, concept of, 10
- Erie Railroad v. Tompkins* (1938), 45
- Eritrea-Ethiopia Claims Commission, 236
- Ethics and Interests, 75-84
- Ethiopia v. South Africa* (1966), 374
- Ethnic cleansing, Israel, 66
- European Axis, Charter of International Military Tribunal for, 181, 187
- European Commission for Democracy through Law, 390
- European Community legislation, 109-13
- European Convention for Protection of Human Rights and Fundamental Freedoms, 43, 222
- European Court of Human Rights, 385, 390
- European Court of Justice, 43, 113
- European *realpolitik*, tradition of, 75
- European standards, assistance through promotion of, 393
- European Union, 332
- Charter of Fundamental Rights of, 383
- Electronic Communications, Access and Interconnection Directive, 152
- private international law in, 109-13
- External, internal, perspectives of law, distinguished, 272
- Faculty composition, with international law curriculum, 55, 56
- Fair, equitable treatment, concept of, 10
- Fair and Equitable Treatment Under NAFTA's Investment Chapter, 9-22
- Fair trade
- basic conditions of, 281-85
- regulatory activities, 283
- taxes and, 282
- Fall of Berlin Wall, 1
- Faltow v. The Islamic Republic of Iran* (1998), 157
- Family law: internationalization of, costs, benefits of, 195-97
- Far East, Charter of International Military Tribunal for, 187
- Farer, Tom, *Rems.*, 104, 108
- Father of modern international law, Hugo Grotius, 1
- FCC. *See* Federal Communications Commission
- FCCC. *See* Framework Convention on Climate Change
- Federal Communications Commission, 151
- Federal Ministry of Defense, Germany, Council of International Institute of Humanitarian Law, 25
- Federal Republic of Germany v. United States* (1999), 162
- Feinerman, James, 56, 409
- Ferencz, Benjamin B., 299
- Feria, Monica, 107
- Filartiga v. Pena-Irala* (1980), 156, 349
- Final Act Embodying Results of Uruguay Round of Multilateral Trade Negotiations, 121, 133
- Fishing rights, cross-border incursion involving, 184
- Fitzpatrick, Joan, *Rems.*, 309-19
- Fleck, Dieter, 27
- Folson, Ralph H., 61
- Force, use of, as aggression, 181-92
- Foreign Arbitral Awards, Convention on Recognition and Enforcement of, 226
- Foreign policy capability, U.S., erosion of, 6
- Foreign policy framework, need for reinvigoration of, 6
- Forest products, fair trade, 286-90
- Forzley, Michele, *Rems.*, 330-31
- Fourth Annual Grotius Lecture, Commentary, 1-8
- Framework Convention for Protection of National Minorities, 235
- Framework Convention on Climate Change, 358, 360, 364
- Framework of foreign policy, need for reinvigoration of, 6
- Franck, Thomas M., 36, 166, 399-400
- Frankel, Hermann, 77
- Freedom of scientific inquiry, biotechnology, human rights and, 115-20
- Free Trade Agreement, North American, 9, 10
- Free Trade Commission, Chapter 11, 9

- Free Trade Area of Americas, Draft Agreement on, 9
- Free Trade Commission, 10, 11
- North American Free Trade Agreement, Chapter 11, 9
- Friedman, Thomas L., 130, 238
- Fundamental Freedoms, Human Rights: Convention for Protection of, 397
- European Convention for Protection of, 43, 222
- Fundamental Standards of Humanity: Reports of Secretary-General on, 26
- United Nations Project on, 26
- Gadamer, Hans-Georg, 83, 84
- Galileo, censure of, by Pope Urban VIII, for averring Copernicanism, 115
- Gamble, John King, Lexus; Olive Trees; Globalization; Professors Henkin, Jessup, Lachs; *Opinio Juris*, 238-47
- Garcia, Frank J., Trade, Constitutionalism, and Human Rights: An Overview, 132-34
- Gardam, Judith G., 38
- Gaskin v. United Kingdom* (1989), 194
- GATT. See General Agreement on Tariffs and Trade
- General Agreement on Tariffs and Trade, 118, 121, 128, 132, 133, 367
- General Treaty for Renunciation of War. See Kellogg-Briand Pact
- Generic approach, to defining acts of aggression, 183, 186
- Geneva Convention, 51
- ius in bello*, concept of, 35
- prisoners of war, 88, 263
- Genocide, Israel, 66
- German liberals, derivation of term *Realpolitik*, 75
- German Slave Labor Programme, 236
- Germany
- Federal Ministry of Defense, Council of International Institute of Humanitarian Law, 25
- on jurisdiction of International Criminal Court, 186
- Germany v. United States* (2001), 44, 49, 309
- consular rights, death penalty after, 309-19
- Gibson v. U.S.* (2001), 316
- Global Alliance for Tuberculosis Drug Development, 331
- Globalization, dark side of, Grotius lecture, 1-8
- Goffman, Erving, 77
- Golder v. United Kingdom* (1975), 101
- Good faith, defined, 12
- Gordon, Michael R., 88
- Gordon, Michael Wallace, 61
- Gramsci, Antonio, 78
- Granada, action in, 92
- Gray, John C., 246
- Great Expectations: Where Does the Proliferation of International Dispute Resolution Tribunals Leave International Law?, 219-237
- Greece, on jurisdiction of International Criminal Court, 185-87, 189-90
- Greenwood, Christopher, *Rems.*, 100-04; 35, 39, 107
- Grotius, Hugo, father of modern international law, 1
- Grotius lecture, Dark Side of Globalization, 1-8
- Gruber, Lloyd, 267
- Guantanamo Bay, Cuba, U.S. Naval Base, prisoners at, 29, 51
- Guatemala, fighters in, adherence to legal restraints, 31-32
- Guinea, Economic Community of West African States intervention, 137
- Guinea-Bissau, Economic Community of West African States intervention, 137, 139
- Gulati, Chetan, 115
- Gutman, Roy, role of law, 354
- Gypsy groups, suit against IBM in Geneva court, 236
- HAART. See Highly active antiretroviral therapy
- Haass, Richard, 87
- Habermas, Jurgen, 83
- Hague Conference on Private International Law, 332, 345
- Hague Convention on Hijacking, 256
- Hague Convention on Protection of Cultural Property in Event of Armed Conflict, 27
- Hamilton, Jonathan C., 354
- Hamm, Brigitte I., 115
- Handbook on Procedures and Criteria for Determining Refugee Status*, 52
- Hannum, Hurst, *Rems.*, 96-99; 108
- Hanqin, Xue, *Rems.*, 172-76
- Hart, Herbert L.A., 272
- Hartnell, Helen E., *Rems.*, 332-33
- Hart-Rudman Report, 6
- Hazardous Wastes, Transboundary Movements of, Basel Convention on, 87
- Hegel, Friedrich, 272

- Helms, Jesse, Vienna Convention on Diplomatic Immunity, legislation potentially gutting, 159
- Henfield's Case* (1793), 190
- Henkin, Louis, *Rems.*, 205, 217-18; 240, 351
- Heraclitus, 83
- Herzegovina, Refugees, Real Property Claims, Commission for, 236
- Higgins, Rosalyn, 222
- High Commissioner for Human Rights: United Nations, Mary Robinson, 65
- Highly active antiretroviral therapy, 326, 327
- Hijacking, 131, 256
- Hilton v. Guyot* (1895), 46
- Historic Monuments, Protection of, Treaty on, 27
- Hitler, human rights and, 67
- HIV. *See* Human immunodeficiency virus
- Hobbes, 77
- Hoffman, Michael H., Rights and Duties, as Captives and Captors, of Nonstate Interveners During International and Internal Armed Conflicts, 32-35
- Holocaust, anti-Semitism and, 66
- Holocaust victims, insurance claims, 236
- Homer, 78
- (The) "Horizontal" Growth of International Courts and Tribunals: Challenges or Opportunities?, 369-80
- Housing and Property Claims Commission in Kosovo, 236
- How Are Nations Behaving?, 205-18
- How Nations Behave: Law and Foreign Policy*, 207, 209, 211, 213, 216, 218
- Hufbauer, Gary Clyde, 130
- Human immunodeficiency virus
antiretroviral therapy, highly active, 326-27
vaccine development partnerships, 119
vaccine for, 116
- Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, Declaration of Commitment to, 324
- Humanitarian law
conflict in Afghanistan, 23-41
International Institute of, 25
- Humanitarian Law on the Conflict in Afghanistan, 23-41
- Humanity, Fundamental Standards of, Reports of Secretary-General on, 26
- Human rights
biotechnology and, 114-20
collateral damage and, 95-108
European Court of, 385, 390
- Fundamental Freedoms:
Convention for Protection of, 397
European Convention for Protection of, 43, 222;
intellectual property, 114-20
Inter-American Commission on, 96, 106
Inter-American Court of, 228, 385
international, international trade, relationship between, 121
International Trade and, American Society of International Law Research project on, 121
nongovernmental organizations, 66-69
nonstate actors, 384-88
norms, World Trade Organization, decision-making bodies, 124-25
overlegalization of, 381-88
pledge to advance, taken by business enterprises, 131
relevance of, for military operations, 29
terrorism, 121-34, 131
trade and, 132-34
Trade-Related Aspects of Intellectual Property Rights and, 126-28
UN High Commissioner for, Mary Robinson, 65
Universal Declaration of, 116
- Human Rights Commission, Inter-American, 51
- Human Rights Committee, United Nations, 385
- Human Rights in Cuba, Report on Situation of, 107
- Human Rights, Terrorism, and Trade, 121-134
- Human Rights Watch, 68
- Hunnicut, Charles A., *Rems.*, 247-49
- IACHR. *See* Inter-American Commission on Human Rights
- ICC. *See* International Chamber of Commerce; International Criminal Court
- ICCPR. *See* International Covenant on Civil and Political Rights
- ICESCR. *See* International Covenant on Economic, Social and Cultural Rights
- ICRC. *See* International Committee of Red Cross
- ICTR. *See* International Criminal Tribunal for Rwanda
- ICTY. *See* International Criminal Tribunal for Former Yugoslavia; International Criminal Tribunal for former Yugoslavia
- Ignatieff, Michael, 36
- Ilascu v. Moldova and Russia* (2001), 99

Iliad, 78

Illicit movement of money, globalization and, 4

Illustrative list, of acts of aggression, 183, 186

Impact of United States on international law, presidential panel, 159-67

Incendiary weapons, 28-29
rules regulating use of, 28-29

Indigenous Peoples and the Global Trade Regime, 279-90

Indiscriminate Effects, Convention on Prohibitions or Restrictions on Use of Certain Conventional Weapons Which May be Deemed Excessively Injurious or to Have, 27

Indonesia, fighters in, adherence to legal restraints, 31-32

Information age, international law in, 238

Inhuman Torture, Degrading Treatment, Convention Against, 222

Injury, superfluous, prohibitions against, in armed conflict, 28-29

Inquiry, scientific, freedom of, biotechnology, human rights and, 115-20

Insurance claims
Armenian Holocaust, 236
Holocaust, International Commission on, 236

Insurgents, as nonstate aggressors, 190

INS v. Cardoza-Fonseca (1987), 52

Intellectual property
compulsory licensing of, 118
human rights and, 114-20

theft, globalization and, 2-8
Trade-Related Aspects of, 125, 126, 132, 149, 280, 328; value of protecting, 4

Intention to occupy country, as aggression, 186

Inter-American Commission on Human Rights, 96, 106
suspension of Cuba from participation, 106

Inter-American Court of Human Rights, 43, 228, 385

Inter-American Human Rights Commission, 51

Interconnection, Access Directive, European Union Electronic Communications, 152

Internal, external perspectives of law, distinguished, 272

Internal armed conflicts, code of conduct, 25-26

International Acquired Immunodeficiency Syndrome Vaccine Initiative, 116-20

International Business Transactions, Bribery of Foreign Public Officials in, Convention on Combating, Organization for Economic Cooperation and Development, 7

International Chamber of Commerce, 332

International Children's Emergency Fund, United Nations, 116

International Commission on Holocaust Era Insurance Claims, 236

International Committee of Red Cross, 26, 104

International Convention for Prevention of Pollution from Ships, 364

International Convention for Unification of Certain Rules of Law Relating to Bills of Lading, 337

International Convention on Elimination of All Forms of Racial Discrimination, 222, 284

International conventions, influence on adoption law, 193-95

International Court of Justice, 42, 369
Corfu Channel Case, 192

International Covenant on Civil and Political Rights, 26, 212, 222, 320, 397

International Covenant on Economic, Social and Cultural Rights, 222, 285, 320, 398

International Criminal Court, 181, 263, 267
ability to foster world security, 7

aggression, definition of, 181-92
operative jurisdiction, PrepCom, 185-90

International Criminal Tribunal
for former Yugoslavia, 104, 223, 377

Appeals Chamber of, 43
for Rwanda, 26, 223, 378

International dispute resolution tribunals, proliferation of, 219-37

International Family Law, 193-204

International Federation for Human Rights, International Service for Human Rights, 68

(The) International Influences on National Constitutional Law in States in Transition, 389-400

International Institute for Unification of Private Law, 332

International Law and the Legal Curriculum, 54-64

International law, customary international law, distinguished, 10

International Law, Oppenheim's, 14

Internationally Wrongful Acts, State Responsibility for, Draft Articles, 26

International Military Tribunal for European Axis, Charter of, 186

- International Military Tribunal for Far East, Charter of, 187
- International Military Tribunal (Nuremberg), Judgment, Trial of Major War Criminals, 25
- International Monetary Fund, 213
- International peace, aggression against. *See* Aggression
- International Security, Proliferation and Federal Services Subcommittee, Senate Governmental Affairs Committee on Non-proliferation Assistance Coordination Act, 277
- International Service for Human Rights, 68
- International Trade, Human Rights and, American Society of International Law Research project on, 121
- International trade, international human rights, relationship between, 121
- International Tribunal for Law of Sea, 373
- International unification, 334-35
- Intervention regime, in Africa, evolution of, 136-43
- Investment
- guidelines, World Bank, 12
 - Multilateral Agreement on, 118, 244
 - treaties, bilateral, 9
- Iran
- collection from, subrogation to U.S. government and, 252
 - Israel, Lebanon, terrorist acts in, 253
- Iran-United States Claims Tribunal, 43, 236
- Islamic Republic of Iran v. United States* (1987), 43
- Israel, 66
- Iran, terrorist acts in, 253
- Issa v. Turkey* (2000), 98, 103
- Italy, on jurisdiction of International Criminal Court, 186, 187
- ITLOS. *See* International Tribunal for Law of Sea
- Jacovides, Andrew, *Rems.*, 231-37
- Janis, Mark W., A 90 Year-Old Snapshot of our Families of International Lawyers, 201-04
- Japanese government, Korean comfort women, charges against, 236
- Jefferson, Thomas, 300
- Jennings, Robert, Sir, 11, 102
- Jessup, Philip C., 227
- Jihad*, declaration of war, 39
- Johnston v. Ireland* (1987), 101
- Jonah, James, U.S. Representative, 65
- Joyner, Christopher C., *Rems.*, 358-68
- Judicial outreach, advisory group for, for increasing judges' knowledge about international law, 348
- Judicial Response to Terror: Issues, Problems, and Prospects, 250-259
- Jurisdiction over crime of aggression, 181-92
- Jus ad bellum*:
- concept of, 30, 36
 - of Operation Enduring Freedom, 35-41
- Jus in bello*:
- concept of, 30, 36
 - of Operation Enduring Freedom, 35-41
- Kadic v. Karadzic* (1995), 349, 381
- Kahn, Hamid, 407
- Kane, Mary Kay, 54
- Kant, Immanuel, 78
- idea of pure morality, 272
- Kapur, Ratna, Legal Regulation of Subaltern Families in a Transnational World, 198-201
- Karamanian, Susan L., Plaintiff's Diplomacy: A Review of the Issues, 156-58
- Katsch, M. Ethan, 239
- Kayano v. Hokkaido Expropriation Committee* (1997), 288
- Kellogg-Briand Pact, 160
- Kelsen, Hans, 270
- Kennedy, David, 260
- Kenya, conspiracy to bomb American embassy in, 257
- Keohane, Robert O., How Actors in World Politics Behave: Legalization and World Politics, 213-17, 307
- Keynote Address, 348-53
- Kinney, Eleanor D., *Rems.*, 320
- Klein, Pierre, *Rems.*, 168-69
- Kleptocracy, as former Soviet Union, 6
- Knowledge base, on terrorism, lack of, 7
- Koh, Harold Hongju, *Rems.*, 45-53
- Korean comfort women, charges against Japanese government, 236
- Koskenniemi, Martti, 272
- Kosovo, 394
- fighters in, adherence to legal restraints, 31-32
 - Housing and Property Claims Commission in, 236
- Krasner, Stephen D., Realist Views of International Law, 265-68
- Kratochwil, Friedrich V., *Rems.*, 296-98; 270, 302-8
- Kress, Claus, 31

- Kritsiotis, Dino, On the *Jus as Bellum* and *Jus in Bello* of Operation Enduring Freedom, 35-41
- Ku, Charlotte, International Law and the Legal Curriculum, 54-58
- Kyoto Protocol, 91, 364
- LaGrand* case. See *Germany v. United States* (2001)
- Laker Airways, Ltd. v. Sabena, Belgian World Airlines* (1984), 44
- Land forces, attack on, by armed forces of another state, 183
- Land Mines, Ottawa Convention on, 244
- Landow, George, 243
- Lantos, Tom, U.S. Representative, 65
- Laser Weapons, Blinding, protocol, 27
- Lasswell, Harold, 272
- Laswell, Harold D., 260
- Late-Breaking Events Panel, report on, 354
- Laundering, of money, globalization and, 2-8
- Law of Armed Conflict at Sea*, 28
- Law of Nations*, Bierly's, 14
- Law of Sea, International Tribunal for, 373
- Law of Treaties, Vienna Convention on, 9, 11
- Lawyers Committee for Human Rights, International Federation for Human Rights, International Service for Human Rights, 68
- League of Nations, United States, refusal to sign on to, 165
- Lebanon, Iran, terrorist acts in, 253
- Lebow, Richard Ned, Ethics and Interests, 75-84, 76
- Legal curriculum, international law, 54-58
- Legalism, v. realism, in international relations, 262-65
- Legality of Threat or Use of Nuclear Weapons, Advisory Opinion, 101
- Legalization, international relations, 9-22
- Lehman, Jeffrey, *Rems.*, 55
- Lelyveld, Joseph, 73
- Lesotho
- Southern African Development Community Operation in, 137
 - Southern African Development Coordination Conference, 141
- Levesque, Jacques, 79
- Leviathan, Thomas Hobbes, 76
- Levitt, Jeremy
- The Evolving Intervention Regime in Africa: From Basket Case to Market Place?, 136-43
 - African Interventionist States and International Law*, 137
- Lexus, olive tree, as symbols of old/new coexisting in globalizing world, 238
- Liberia, 138; Economic Community of West African States intervention, 137
- Liberian Civil War, 138
- Liberia v. South Africa* (1966), 374
- Licensing, compulsory, intellectual property, 118
- Linarelli, John, The Economics of Private International Law Harmonization, 339-42
- Listing of acts of aggression, 183, 186
- Lodge, David, 148
- Loizidou v. Turkey* (1995), 98, 101, 234
- London Charter, 186
- Love, James Packard, 118
- Lowe, Vaughan, *Rems.*, 153-55
- MacBride principles, 224-25
- Maffezani v. Kingdom of Spain*, 19
- Magazines with in-depth coverage of international affairs, dearth of, 93
- MAI. See Multilateral Agreement on Investment; Multilateral Agreement on Investments, proposed
- Malanczuk, Peter, 14
- Malinverni, Giorgio, The Venice Commission of the Council of Europe, 390-93; 399-400
- Maluwa, Miriam, *Rems.*, 322-24
- Mann, F.A., 17
- Marceau, Gabrielle, 124
- Market design, fair trade and, 284
- MARPOL. See International Convention for Prevention of Pollution from Ships
- Marshall Plan, impact of, 93
- Martin, Forrest, 107
- Mathias, D. Stephen, *Rems.*, 181-85
- McCann v. United Kingdom* (1995), 387
- McCarver v. North Carolina* (2001), 52
- McCorquodale, Robert, Overlegalizing Silences: Human Rights and Nonstate Actors, 384-88
- McDougal, Myress, 260
- Mechanism for Conflict Prevention, Management, Resolution, PeaceKeeping and Security, Protocol Establishing, 140
- Medecins sans Frontieres, 126
- Media: role of, in international affairs, 354-56
- Mediation, assistance through, 392
- Medical advances, reassessment of legal doctrine, 239
- Medical research, human cloning for, banning of, 115

- Medicines, access to, Trade-Related Aspects of Intellectual Property Rights, Agreement on, 126
- Medieval Europe
bellum hostile concept, 36
 concept of war, 36
- Meron, Theodor, 95
- Metalclad Corp. v. Mexico* (2000), 15, 146
- Metalclad Corp. v. United Mexican States* (2000), 10, 19, 20
- Metalclad Corp. v. United States* (2001), 11
- Metaphors, realism and, in international law, 268–69
- Methanex Corp. v. United States*, Reply Memorial of Respondent United States of America on Jurisdiction (2001), 16
- Mexico, drug trade and, 3
- Michaels, Ralf, Three Paradigms of Legal Unification: National, International, Transnational, 333–36
- Military Commission Order of 2002, 271
- Military operations, relevance of human rights, 29
- Military Tribunal for Far East, International, Charter of, 187
- Miller, Judith, 276
- Milosević trial, 95, 155
- Mines
 prohibitions, restrictions on use of, 27
 rules regulating use of, 28–29
- Mines Protocol, 1996, 27
- Minorities, National, Framework Convention for Protection of, 235
- MISAB. *See* Mission for Implementation of Bangui Agreement
- Mission for Implementation of Bangui Agreement, in Central African Republic, 137
- Missouri v. Holland* (1920), 146, 263
- Misuse of Drugs Act, 328
- Modern international law, father of, 1; Hugo Grotius, 1
- Modern Introduction to International Law*, Akehurst's, 14
- Molecular basis of disease processes, universal access to interventions based on, 119
- Money, illicit movement of, globalization and, 4
- Money laundering, globalization and, 2–8, 4
- Morality, pure, Kantian idea of, 272
- Morgenthau, Hans, 265
- Moses, Henry L., 128
- MSF. *See* Doctors without Borders/Medecins sans Frontieres
- Muchlinski, Peter T., 19
- Multilateral Agreement on Investment, 118, 244
- Multilateral Trade Negotiations, Final Act Embodying Results of Uruguay Round of Multilateral Trade Negotiations, 121, 133
- Municipal adoption law, influence of international conventions on, 193–95
- Murray v. Charming Betsy* (1804), 49
- Murray v. Schooner Charming Betsy* (1804), 147
- Muslim population, U.S. as hateful target to, 4
- NAFTA. *See* North American Free Trade Agreement
- Nairobi, conspiracy to bomb American embassy in, 257
- Namibia
 claim for compensation from Germany, 236
 contribution to law of peace, 136
- Nanda, Ved P., 19
- Narcotics, wars against, globalization and, 2–8
- National boundaries, radio waves and, 149
- National division, experienced during Vietnam War, 6
- National Minorities, Framework Convention for Protection of, 235
- National unification, 334
- Naval Base at Guantanamo Bay, Cuba, prisoners at, 29, 51
- Neer (U.S.) v. United Mexican States* (1926), 12
- Negative forces, of globalization, 1–8
- New Mexico v. Martinez-Rodriguez* (2001), 316
- Newspapers with in-depth coverage of international affairs, dearth of, 93
- New Zealand v. France* (1974), 374
- Nicaragua
 paramilitary activities in, against, 23, 161, 163
 U.S. laying of mines in harbor, 188–91
- Nicaragua v. United States* (1986), 161, 163, 192
- Nigeria, contribution to law of peace, 136
- Nineteen-hundred twelve, family of international lawyers, 201–04
- Nolte, Georg, *Reims*, 389
- Nongovernmental organizations
 human rights, 66–69, 68
 role in conflict prevention, resolution, reconstruction, 27
- Nonproliferation Assistance Coordination Act, Senate Governmental Affairs Committee on, International Security, Proliferation and Federal Services Subcommittee, 277
- Non-Proliferation of Nuclear Weapons, Treaty on, 273

- Nonstate actors: countermeasures and, 172;
during international, internal armed
conflicts, 32-35
- Normative activity, assistance through,
390-91
- Normative economics, 339
- North American Free Trade Agreement, 9,
10, 93, 118, 133, 228
Article 1105, 9
Article 1131(1), 9
bilateral investment treaty negotiation, 12
Chapter 11, 9
- Northern Ireland, fighters in, adherence to
legal restraints, 31-32
- North Sea Continental Shelf Cases* (1969), 240
- Notes on State of Virginia*, Thomas Jefferson, 300
- Nuclear disarmament, globalization and, 4
- Nuclear power, reassessment of legal doc-
trine, 239
- Nuclear Tests Cases*. See *Australia v. France*
(1974); *New Zealand v. France* (1974)
- Nuclear weapons
"as deterrent," by Osama bin Laden, 40
Legality of Threat or Use of, Advisory
Opinion, 101
Non-Proliferation of, Treaty on, 273
- Nuremberg
International Military Tribunal, Judgment, I
Trial of Major War Criminals, 25
War Crimes Tribunal, 223
Charter, 183, 186, 187, 192
- OAS. See Organization of American States
- Ocalan v. Turkey* (2000), 99
- Occupation, as aggression, 186
- O'Connell, Mary Ellen, *Rems*, 291, 302-08; 31
- O'Connor, Justice Sandra Day, Keynote
Address, 348-53
- OCSE. See Organization on Cooperation and
Security in Europe
- Odysseus, 78
- OECD. See Organization for Economic
Cooperation and Development
- Offensive Arms, Strategic, Treaty on Reduc-
tion and Limitation of, 273
- Oklahoma City, terrorism, 23
- Olive tree, Lexus, as symbols of old/new
coexisting in globalizing world, 238
- Operation Enduring Freedom, 35-41, 36
- Oppenheim, *International Law*, 14
- Order
ethics and, 81-84
social science and, 80-81
- Organization for Economic Cooperation
and Development, 360
- Convention on Combating Bribery of
Foreign Public Officials in International
Business Transactions, 7
- Organization of African Unity, Declaration
on Framework for OAU Response to Un-
constitutional Changes in Government, 143
- Organization of American States, 106, 332
condemnation of US invasion of Panama,
143
- Organization on Cooperation and Security
in Europe, 143
- Ottawa Convention on Land Mines, 27, 244
- Overlegalizing Human Rights, 381-88
- Owada, Ambassador Hisashi, 408
- Oxman, Bernard H., *Rems*, 373-77
- Pact of Paris. See Kellogg-Briand Pact
- Panama, United States invasion of, 143
- Panama-U.S. Bilateral Investment Treaty
Submital Letter, 18
- Paraguay v. Allen* (1996), 162
- Parker, Elizabeth Rindskopf, Fourth Annual
Grotius Lecture Commentary, 1-8
- Paternalism, of British Colonial Office, 137
- Paulus, Andreas, Realism and International
Law: Two Optics in Need of Each Other,
269-72
- Paust, Jordan J., *Rems*, 190-92; 250
- Peace, international, aggression against. See
Aggression
- Peace and Security of Mankind, Crimes
Against, Draft Code, 187
- Peacemaking Practices "from the South,"
Africa, 135-45
- People, trafficking in, 4
- People's Republic of China, inclusion in
world Trade Organization, 128
- Perez, Antonio F., Arms Control and
Nonproliferation, 273-75
- Performances, Phonograms Treaty, World
Intellectual Property Organization, 150
- Permanent International Court of Justice,
369
- Permanent Normal Trade Relations for China
Act, 129
- Pharmacy and Poisons Acts, 328
- Phone, cell, regulation of, 151
- Phytosanitary, Sanitary Measures, Agree-
ment on Application of, 283
- Pinochet, arrest, trial of, 155, 159, 268
- Pipeline sanctions, Siberia, 92
- Plaintiff's Diplomacy, 156-58
- Plato, 77, 246, 342
- Plaut v. Spendthrift Farm, Inc.* (1995), 44
- Pledge to advance human rights, taken by
business enterprises, 131

- Poison
 - Pharmacy Act, 328
 - rules of conduct in use of, in armed conflict, 28-29
- Political, Civil Rights, International Covenant on, 212, 222, 320, 397
- Political response to aggression, 181-92
- Political structure erosion, drug trade and, 3
- Politics
 - role of, in international affairs, 354-56
 - world, legalization and, 213-17
- Pollution from Ships, International Convention for Prevention of, 364
- Pope & Talbot, Inc. v. Canada* (2001), 10, 13, 14, 15, 21
- Pope Urban VIII, censure of Galileo, for averring Copernicanism, 115
- Port, blockade of, 183
- Portugal, on jurisdiction of International Criminal Court, 185-87, 189-90
- Posner, Richard A., 339
- Post-Cold War world, globalization in, 1
- Postconflict reconstruction, nongovernmental organization role in, 27
- POW. *See* Prisoner war
- Preparatory Commission for International Criminal Court, 181-92
- PrepCom, International Criminal Court, operative jurisdiction, 185-90
- President George W. Bush, State of Union Address (Jan. 29, 2002), 53
- Presidential Panel: Impact of United States on International Law, 159-67
- Prevention of Armed Conflict, Report of Secretary-General on, 26
- Principles of Public International Law*, 14
- Prisoners of war
 - Geneva Convention, 88, 263
 - rights of, recognition, 271
 - Standard Minimum Rules for Treatment of, 30
 - treatment of, Geneva Convention, 35
- Privateering at sea, banning of, last widespread form of private warfare, 34
- Private international dispute resolution, 230-31
- Private International Law, Hague Conference on, 332, 345
- Private international law in European Union, 109-13
- Private Law, Unification of, International Institute for, 332
- Private rights, development of, under public international law, 221-25
- Private sector, demands from public international law by, 225-26
- Private warfare, privateering at sea as, 34
- Pro-democratic intervention, Africa, 143-45
- Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Convention for Prohibition of, 273
- Prohibitions or Restrictions on Use of Mines, Booby-Traps and Other Devices, 27
- Project on Fundamental Standards of Humanity, United Nations, 26
- Proliferation, international dispute resolution tribunals, 219-37
- Property Rights, International, Trade-Related Aspects of, 327
- Prosecutor v. Delalic* (2001), 43
- Prosecutor v. Kordic and Cerkez* (2001), 26
- Prosecutor v. Tadic* (1995), 188, 379
- Protection of Artistic, Scientific Institutions, Historic Monuments, Treaty on, 27
- Protection of Civilians in Armed Conflict, Reports of Secretary-General to Security Council, 26
- Protection of Cultural Property, in Event of Armed Conflict, Hague Convention on, 27
- Protocol Establishing Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, 140
- Protocol on Politics, Defense and Security in South African Region, 141
- Prototype Carbon Fund, within World Bank, 364-65
- Provisional Anti-Dumping Measure on Imports of Certain Softwood Lumber from Canada, 279
- Provisional Arrangements in Afghanistan pending Re-establishment of Permanent Government Institutions, Agreement on, 29
- Public health interests, Trade-Related Aspects of Intellectual Property Rights, Agreement on, 126
- Public Officials, Bribery of, International Business Transactions Convention on Combating, Organization for Economic Cooperation and Development, 7
- Public regulation, international scrutiny of, 9-22
- Punishment, Torture, Other Cruel, Inhuman, Degrading Treatment, Convention Against, 222
- Pure morality, Kantian idea of, 272
- Qadafi, terrorism by, 256
- Quigley, John, *Rems.*, 315-17; 107
- Quinn, Thomas C., 325

- Racial Discrimination, International Convention on Elimination of All Forms of, 222, 284
- Racism
 association with Zionism, 66
 World Conference Against, 65-74
- Radio
 introduction of, 149
 waves, national boundaries and, 149
- Raulus, Helena, Update on Private International Law in the European Union—2001, 109-13
- Reagan, Ronald, 92
- Reagan administration, Qadaffi, treatment of, 256
- Realism and Legalism, 260-272
- Realism
 in international law, 260-62
 v. legalism, in international relations, 262-65
- Realpolitik*: derivation of term, was coined by disillusioned German liberals, 75
- Real Property Claims, of Displaced Persons, Refugees, in Bosnia, Herzegovina, Commission for, 236
- Rebus sic stantibus* principle, 29
- Reconstruction, postconflict, nongovernmental organization role in, 27
- Red Cross, International Committee of, 26, 104
- Reed, Lucy, Great Expectations: Where Does the Proliferation of International Dispute Resolution Tribunals Leave International Law?, 219-37
- Refugees, Real Property Claims, in Bosnia, Herzegovina, Commission for, 236
- Refugee Status, Determining, Handbook on Procedures and Criteria for, 52
- Regulation, public, international scrutiny of, 9-22
- Regulatory idiosyncrasies, 151
- Reimann, M., 59-64
- Reisman, W. M., *Rems.*, 181-92
- Rekvenyi v. Hungary* (1999), 399
- Relevance of human rights, for military operations, 29
- Report of Secretary-General on Prevention of Armed Conflict, 26
- Report on Situation of Human Rights in Cuba, 107
- Reproduction, human cloning for, banning of, 115
- Research purposes, medical, human cloning for, banning of, 115
- Responsibility
 private, development of, under public international law, 221-25
 of state, for internationally wrongful acts, draft articles, 26
- Restrictive list, of acts of aggression, 183, 186
- Richardson, Henry, African Contributions to the Law of Peacekeeping, 135-36; 306-07, 408
- Rights of Child, Convention on, 87, 193, 222, 263, 284
- Rio Declaration on Environment and Development, 358
- Robinson, Davis, *Rems.*, 92-94
- Rodley, Sir Nigel, *Rems.*, 318
- Roerich Pact. *See* Treaty on Protection of Artistic and Scientific Institutions and Historic Monuments
- Roe v. Wade* (1973), 263
- Role of Security Council, defining aggression, 181-92
- Roma groups, suit against IBM in Geneva court, 236
- Rome, Statute for International Criminal Court, 181-92, 232-33, 264, 267, 341, 378
- Rovine, Arthur, 1, 159
- Rubinfeld, Jed, *Rems.*, 394-96, 399-400
- Rubin, Alfred P., Legalization of International Relations: A Dissent, 298-301, 301, 302-08
- Russian Federation, on jurisdiction of International Criminal Court, 186
- Rwanda, International Criminal Tribunal for, 26, 223
- SADC. *See* Southern African Development Community
- SADCC. *See* South African Development Coordination Conference
- Sadiq Shek Elmi v. Australia* (2000), 386
- Sands, Philippe, American Unilateralism, 85-94, 92
- Sanitary, Phytosanitary Measures, Agreement on Application of, 283
- San Remo Manual*, 30
- San Remo Project, fighters, adherence to legal restraints, 31-32
- Sapiro, Miriam, political solutions, 355
- Sassoni, Marco, 399-400
- Schachter, Oscar, Metaphors and Realism in International Law, 268-69
- Scheffer, David, *Rems.*, 404-6, 410
- Schwarzenberger, Georg, 19
- Scientific inquiry, freedom of, biotechnology, human rights and, 115-20

- Scientific Institutions, Protection of, Treaty on, 27
- Scope of crime of aggression, expansion of, 181-84
- Scott, Shirley, Legalization: Interpreting the Empirical Evidence, 291-98; 305-6, 307
- S.D. Myers, Inc. v. Canada* Partial Award (Nov. 13, 2000), 10, 15, 22
- Sea, Law of Armed Conflict at*, 28
- Sea forces, attack on, by armed forces of another state, 183
- Security Council, UN
- Reports of Secretary-General to, on Protection of Civilians in Armed Conflict, 26
 - use of force as aggression, 181-92
- Seizure of Aircraft (hijacking), Convention for Suppression of, 131
- September 11, 2001, attack, 1-8, 23, 36, 73, 87-89, 94, 99, 190-91, 401-11
- Serbia, bombing campaign on civilians, 95
- Shanke, Thom, 87
- Ships, Pollution from, International Convention for Prevention of, 364
- Siberian pipeline sanctions, 92
- Sierra Leone
- Economic Community of West African States intervention, 137
 - economics of, 139
 - fighters in, adherence to legal restraints, 31-32
 - proposal that court follow ICTY appellate chamber, 378
- Silberman, Linda, The Costs and Benefits of the Internationalization of Family Law, 195-97
- Simma, Bruno, *Rems.*, 310-12; 409
- Sinclair, Sir Ian, 178
- Slaughter, Anne-Marie, *Rems.*, 294-96, 302-08; 45, 407
- Slave Labor Programme, German, 236
- Slavery, companies profiting from, suit by African Americans against, 236
- Slobodan, on trial in Hague for war crimes, 95
- Smith, George P., II, Re-evaluating the Freedom of Scientific Inquiry Through Biotechnology and Human Rights, 115-16
- So. Pac. Co. v. Jensen* (1917), 45
- Social, Economic, Cultural Rights, International Covenant on, 116, 222, 285, 320, 398
- Social, political structure erosion, drug trade and, 3
- Social science, order and, 80-81
- Social theory, of fair trade, indigenous peoples, 279-90
- Societe Nationale Industrielle Aerospatiale v. [U.S.] Dist. Court for S. Dist. of Iowa* (1987), 48
- Soering v. United Kingdom* (1989), 98, 103, 318
- Sofaer, Abraham D., Terrorism as War, 254-59
- Softwood Lumber from Canada, Provisional Anti-Dumping Measure on Imports of Certain, 279
- Sokolski, Henry, 274
- Solon, reforms of, 83
- Sonnevend, Pal, International Human Rights Standards and the Constitutional Jurisprudence of Transition State in Central and Eastern Europe, 397-99; 400
- South Africa, 394
- contribution to law of peace, 136
 - price of Crixivan, for acquired immunodeficiency syndrome, 118
- South African Development Community Operation, 137, 140-42
- South African Development Coordination Conference, 135, 140
- South America, acquired immunodeficiency syndrome in, 320
- Southern Bluefin Tuna Cases, *N.Z. v. Japan, Austl. v. Japan* (1999), 235
- Soviet Union, former: demise of, 1-8; as kleptocracy, 6
- Spagnole, John A., 61
- Sprint-WorldCom merger, failure of, 150
- Sri Lanka, fighters in, adherence to legal restraints, 31-32
- Staff leadership, with international law curriculum, 55
- Stahn, Carsten, 27
- Standard Minimum Rules for Treatment of Prisoners, 30
- Standard of treatment, aliens, 10
- Star Wars, 92
- (The) State of State Responsibility, 168-180
- State of Union Address (Jan. 29, 2002), George W. Bush, 53
- State Responsibility for Internationally Wrongful Acts, Draft Articles, 26
- States ability to control, cross-border flow of harmful activities, 1-8
- States in transition, national constitutional law, 389-400
- State v. Issa* (2001), 317
- State v. Reyes* (1999), 51

- Statute of International Criminal Court, Rome, 181-92, 232-33, 264, 267, 378
- Steinberg, Richard H., Overview: Realism in International Law, 260-62
- Stephan, Paul B., The Skeptic Speaks: I Am Not a Blind, Pig-Stupid Opponent of Unification, 336-38
- Stevenson, Charles, 407
- Stockpiling, Use of Chemical Weapons and on Their Destruction, Convention for Prohibition of, 273
- Strategic Offensive Arms, Treaty on Reduction and Limitation of, 273
- Stromseth, Jane, *Rems.*, 401, 409
- Students
education of, resources spent on, 6
See also Education; with international law curriculum, 56
- Subaltern families, legal regulation of, 198-201
- Subrogation to U.S. government, collection from Iran and, 252
- Subsidies, fair trade and, 282
- Sudan v. Talisman* (2001), 381
- Suffering, unnecessary, prohibitions against, in armed conflict, 28-29
- Suicide bombers, 73
- Sullivan principles, 224
- Sumitomo Shoji America, Inc. v. Avagliano* (1982), 48
- Superfluous injury, prohibitions against, in armed conflict, 28-29
- Supply-side measures, 3
- Suppression of Terrorism, Arab Convention on, 73
- Swaine, Edward, *Rems.*, 57-58
- Swiss banks, Holocaust victims suit against, 236
- Switzerland, Accounts in, Claims Resolution Tribunal for, 236
- Taft, William, 163-67
- Taiwan, inclusion in World Trade Organization, 128
- Tajfel, Henri, 80
- Talbot v. Janson* (1795), 190
- Talbot v. Seeman* (1801), 190
- Taliban, as fighting force, 254
- Tanzania, conspiracy to bomb American embassy in, 257
- Target to Muslim population, U.S. as, 4
- Tariffs, Trade, General Agreement on, 118, 121, 128, 132, 133, 367
- Taxes, fair trade and, 282
- Taylor: Allyn L., 114, 119; Charles, 84
- TBT. *See* Agreement on Technical Barriers to Trade
- Technical Barriers to Trade, Agreement on, 280
- Technology
emerging: introduction of, 149
problems created by, 4
reassessment of legal doctrine, 239
regulation, 149-50
World Trade Organization, influence of, 4
- Terrorism, 30, 250-59, 273-77, 354
as aggression, 256
as crime, 255-56
dearth of legal writing on, 7
human rights and, 131
Oklahoma City attack, 23
September 11, 2001, attack, 1-8, 4, 23, 36, 73, 87-89, 94, 99, 190-91, 401-11
state-supported, U.S. Courts and, 251-54
trade and, 121-34
as war, 254-59
- Terrorism, Arab Convention on, 73
- Test Ban Treaty, United Nations Comprehensive, 273
- Therapeutic medical research purposes, human cloning for, banning of, 115
- Third states, countermeasures, interdependence and, 171-72
- Threats, wars, distinguishing, language and, 2
- Threshold, at which aggression arises, 186
- Thucydides, 77
- Tokyo War Crimes Tribunal, 223; Charter for, 183, 186, 187, 192
- Tolofson v. Jensen* (1994), 344
- Torture, Other Cruel, Inhuman, Degrading Treatment, Punishment, Convention Against, 48, 222
- Torture Victim Protection, 381
- Trade
fair: basic conditions of, 281-85
regulatory activities, 283
forest products, 286-90
human rights and, 132-34
indigenous peoples, 279-90
international, international human rights, relationship between, 121
terrorism, human rights and, 121-34, 131
unjust enrichment and, 285-86
- Trade, Tariffs, General Agreement on, 118, 121, 128, 132, 133, 367
- Trade Agreement, North American Free, bilateral investment treaty negotiation, 12
- Trade Negotiations, Multilateral, Uruguay Round of, Final Act Embodying Results of, 121

- Trade-Related Aspects of Intellectual Property Rights, 328
 Agreement on, 125, 126, 132, 149, 280, 327
 impact on access to medicines, 126
 Public Health, Declaration on, 126
- Trafficking, in people, weapons, globalization and, 2-8
- Trafficking and Violence Protection Act of 2000, Victims of, 252
- Transboundary Movements of Hazardous Wastes, Basel Convention on, 87
- Transitional law course materials, with international law curriculum, 59-64
- Transnational unification, 335
- Transportation by Air, Convention for Unification of Certain Rules Relating to, 337
- Treatment of Prisoners, Standard Minimum Rules for, 30
- Treaty Between United States of America and Union of Soviet Socialist Republic on Limitation of Anti-Ballistic Missile Systems, 94
- Treaty of Economic Community of West African States, 138
- Treaty on Limitation of Anti-Ballistic Missile Systems, 273
- Treaty on Non-Proliferation of Nuclear Weapons, 273
- Treaty on Protection of Artistic and Scientific Institutions and Historic Monuments, 27
- Treaty on Reduction and Limitation of Strategic Offensive Arms, 273
- Tribal, Indigenous Peoples in Independent Countries, Convention Concerning, 283
- Tribunals, international, proliferation of, 228-29
- TRIPS. *See* Trade-Related Aspects of Intellectual Property Rights
- Trooboff, Peter D., 347
- Truman, H., President, on aggression, 190
- Trump, Martha, 303
- Tuberculosis Drug Development, Global Alliance for, 331
- Turgenson, W.G., 80
- (The) UN World Conference Against Racism: A Racist Anti-Racism Conference, 65-74
- Unconstitutional Changes in Government, Declaration on Framework for OAU Response to, Organization of African Unity, 143
- UNESCO. *See* United Nations Educational, Scientific and Cultural Organization
- UNICEF. *See* United Nations International Children's Emergency Fund
- UNIDROIT. *See* International Institute for Unification of Private Law
- Unification of Private Law, International Institute for, 332
- Unilateralism, American, 85-94, 92
- Union of Soviet Socialist Republic, Treaty Between United States of America and, on Limitation of Anti-Ballistic Missile Systems, 94
- United Kingdom, on jurisdiction of International Criminal Court, 186
- United Kingdom House of Lords: Regina v. Barth and Commissioner of Police for Metropolitan and Others* (1999), 159
- United Mexican States v. Metalclad Corp.* (2001), 10, 16, 21
- United States v. Bustos* (2001), 316
- United States v. Alvarado-Torres* (1999), 162
- United States v. Alvarez Machain* (1992), 162
- United States v. Coolidge* (1816), 301
- United States v. Emuegbunam* (2001), 50
- United States v. List, et al.* (1948), 36
- United States v. Lombera-Camorlinga* (1999), 162
- United States v. Lombera-Camorlinga* (2000), 51
- United States v. Minjares-Alvarez* (2001), 50
- Universal access to disease interventions, based on increased knowledge, 119
- Universal Declaration of Human Rights, Covenant on Civil and Political Rights, 116
- Unjust enrichment, trade and, 285-86
- Unnecessary suffering, prohibitions against, in armed conflict, 28-29
- Update on Private International Law in the European Union—2001, 109-113
- Uruguay Round of Multilateral Trade Negotiations, Final Act Embodying Results of, 121, 133, 367
- U.S. Investor Pope & Talbot, Inc., 12
- U.S. Naval Base at Guantanamo Bay, Cuba, prisoners held, 29, 51
- USA Patriot Act (2001), 4, 257
- Vaccine
 for AIDS, HIV, 116
 International Initiative, Acquired Immuno-deficiency Syndrome, 116-20
- Vaccine development partnerships, 119
- Vasquez v. Delaware* (2001), 316
- Venice Commission of Council of Europe, 389, 390, 394
- "Vertical" Conflicts Between International and National Tribunals, 42-53
- Veuthey, Michel, 30

- Victims of Trafficking and Violence Protection Act of 2000, 252
- Vienna Convention on Consular Relations, 90
- Vienna Convention on Diplomatic Immunity, 159
- Helms, Jesse, legislation potentially gutting, 159
- Vienna Convention on Law of Treaties, 9, 11
- Vietnam War, national division experienced during, 6
- Wald, Judge Patricia M., *Rems.*, 377-80
- Walker, George K., 31
- Walker, Janet, The Better Part of Harmonizing Jurisdictional Law, 342-46
- Walkowiak, Helena, *Rems.*, 327-29
- Waltz, Kenneth N., 75, 261, 265, 269
- War: of aggression. *See* Aggression; threats, distinguishing, language and, 2; waging of, characterization of, 181-92
- War criminals, International Military Tribunal (Nuremberg), 25
- Warnke, Gerogia, 83
- Wars against narcotics, globalization and, 2-8
- Weapons Protocol, Laser, Blinding, 1995, 27
- Weapons trafficking, globalization and, 2-8
- Wedgwood, Ruth, 409
- WEF. *See* World Economic Forum
- Weisburd, A. Mark, Problems with the Concept of "Vertical Conflicts," 42-53, 45, 46
- Weiss, Edith Brown, Common but Differentiated Responsibilities in Perspectives, 366
- West African states, 135, 137, 138-40; economic community, 138-40
- Liberia, 138
- Economic Community of West African States Revised Treaty, 138
- Guinea-Bissau, 139
- Sierra Leone, 139
- Treaty of Economic Community of West African States, 138
- Whiteman, Marjorie M., 190
- WHO. *See* World Health Organization
- Why (Not) Seek Uniform Solutions?, 332-347
- Wild Fauna, Flora, Endangered Species of, Convention on International Trade in, 283
- Williamson, Edwin D., Realism Versus Legalism in International Relations, 262-65
- Willis, Paul, 79
- WIPO. *See* World Intellectual Property Organization
- Wippman, David, Pro-Democratic Intervention in Africa, 143-45, 145
- Wojcik, Mark E., *Rems.*, 320
- Women, Discrimination Against, Convention on Elimination of All Forms of, 212, 222
- World Administrative Radio Conference, 149
- World Bank
- investment guidelines, 12
- Prototype Carbon Fund, 364-65
- WorldCom-Sprint merger, failure of, 150
- World Conference Against Racism, 65-74
- World Economic Forum, IAVI, 117
- World Health Organization, 116, 121
- World Health Report 2000*, 321
- World Intellectual Property Organization
- Copyright Treaty, 150
- Performances, Phonograms Treaty, 150
- World Trade Center, attack on, 1-8, 4, 23, 36, 73, 87-89, 94, 99, 190-91, 191, 401-11
- World Trade Organization, 149, 208, 367
- bill of rights, 132
- decision-making bodies, human rights norms and, 124-25
- Declaration on Trade-Related Aspects of Intellectual Property Rights Agreement and Public Health, 126
- inclusion of People's Republic of China, Taiwan, 128
- technological developments influencing, 4
- World War II
- fiftieth anniversary of ending, commemoration, 72
- prohibition against war after, 181
- Wrap Up Panel: International Law After September 11, 401-411
- WTO. *See* World Trade Organization
- Xhavara and Others v. Italy and Albania* (1998), 99, 103
- Xuncax v. Gramajo* (1995), 381
- Yach, Derek, 114
- Yugoslavia, former
- crimes committed in, 188
- International Criminal Tribunal for, 43, 104, 223, 377
- Zimbabwe, effect of democratic elections in, 144
- Zionism, association with racism, 66

